

Below is an order of the court.



PETER C. MCKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

**Consolidated Estate of Axis Crane LLC and
Metro Machinery Rigging, Inc.,**

Debtor.

Case No. 19-61549-pcm7

**ORDER AUTHORIZING SALE OF
PROPERTY FREE AND CLEAR OF
LIENS AND INTERESTS**

(REMNANT ASSETS)

This matter came before this Court on the Notice of Intent to Sell Real or Personal Property, Compensate Real Estate Broker, and/or Pay any Secured Creditor's Fees and Costs; Motion for Authority to Sell Property Free and Clear of Liens; and Notice of Hearing (Doc. 149) (the "**Motion**") filed by Jeanne E. Huffman, Chapter 7 Trustee (the "**Trustee**"), regarding the proposed sale to Oak Point Partners, LLC ("**Buyer**") of the Debtor's interest in any and all known or unknown assets or claims which have not been previously sold, assigned, or transferred (collectively, the "**Remnant Assets**"), excluding the Trustee's cash on hand and certain assets more specifically identified in the asset purchase agreement attached to the Motion as Exhibit A, for the price of \$5,000.00.

No objections to the Motion were filed, and no overbids were received. Based on the Motion, the Court's Certificate of Notice (Doc. 151) indicating that all interested parties and

creditors had received service of the Motion as certified by the clerk of the Court, and it appearing that the proposed sale is in the best interest of the Bankruptcy Estate, its creditors, and other parties in interest, and good cause appearing therefore, it is hereby:

FOUND AND DETERMINED THAT:

A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (N).

Venue of this case and this matter in this district is proper under 28 U.S.C. §§ 1408 and 1409.

B. The statutory predicates for the relief provided in this order are 11 U.S.C. §§ 105(a) and 363(b) and (f), and FRBP 2002, 6004, and 9014.

C. As evidenced by the certificate of service filed by the Court as Docket No. 151, (i) proper, timely, adequate and sufficient notice of the proposed sale and the hearing thereon have been provided in compliance with the various applicable requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the procedural due process requirements of the United States Constitution; (ii) such notice was good and sufficient and appropriate in the particular circumstances; and (iii) no other notice is or shall be required.

D. A reasonable opportunity to object and to be heard regarding the relief requested in the Motion has been afforded to all creditors, parties in interest, and other entities, including, but not limited to (a) the Debtors, (b) all creditors, (c) all parties who claim interests in or liens upon any property of the Estate, and (d) the Office of the United States Trustee.

E. Approval of the sale to Buyer is in the best interest of the bankruptcy estate and its creditors. The terms of the sale of the Remnant Assets are fair and reasonable and the transactions contemplated thereunder reflect the Trustee's prudent business judgment under all of the relevant circumstances.

F. The transfer of the Remnant Assets to Buyer shall be a legal, valid and effective transfer, and will vest Buyer with any and all right, title and interest of the Debtors and the Bankruptcy Estate in and to the Remnant Assets on the terms set forth in the Motion,

including “as is, where is” and without any warranties express or implied, and free and clear of all liens, claims, and encumbrances, including, without limitation, the interests of the parties specifically set forth in the Motion (collectively, the “**Liens and Interests**”).

G. The Trustee may sell the Remnant Assets free and clear of the Liens and Interests because, in each case, one or more of the standards set forth in 11 U.S.C. § 363(f)(1)-(5) has been established.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is granted and, pursuant to 11 U.S.C. §§ 105(a) and 363(f), the Trustee is authorized to sell the Remnant Assets to Buyer on the terms set forth in the Motion, free and clear of the Liens and Interests.

2. The Trustee’s transfer of the Remnant Assets to Buyer shall constitute a legal, valid and effective transfer of the Remnant Assets and shall vest Buyer with any and all right, title and interest of the Debtors and the Bankruptcy Estate in and to the Remnant Assets free and clear of any equitable or legal interests in the Remnant Assets.

3. Prior to transferring the Remnant Assets to Buyer, the Trustee shall have received the sum of \$5,000 in good funds from Buyer.

5. This uncontested order is effective immediately and, as requested in the Motion, shall not be subject to a 14-day stay as provided in FRBP 6004(h).

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LBR 9021-1(a)(3) Certification: This order has been lodged without circulation under LBR 9021-1(a)(2) because no parties objected to the Motion.

Presented by:

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